

Antwan Henry
11939 Canyon Valley Dr.
Tomball TX 77377-7636

United States Courts
Southern District of Texas
FILED

JAN 05 2015

David J. Bradley, Clerk of Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Antwan Henry,

Plaintiff,

vs.

BANK OF AMERICA, N.A.,
AS SUCCESSOR BY MERGER TO
BAC HOME LOANS SERVICING, LP
TRUSTEE SERVICES, INC.;

THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS CWABS,
INC. ASSET-BACKED CERTIFICATES,
SERIES 2006-5;

WALTER INVESTMENT
MANAGEMENT CORP;

GREEN TREE LOAN SERVICING, LLC,

BARRETT, DAFFIN, FRAPPIER TURNER &
ENGEL, LLP, ISAOA ATIMA

Defendants.

Case No.: 4:14-CV-02497

Ex Parte

DECLARATION IN SUPPORT
APPLICATION FOR EX PARTE
EMERGENCY
TEMPORARY RESTRAINING
ORDER

Honorable Sim Lake, Presiding

[Complaint Filed 08/29/2014]

I, Plaintiff Antwan Henry, hereby state:

1. I have never received any verification or validation of the alleged debt from Green Tree Servicing, LLC.
2. I certify that, on December 30, 2014, I notified Attorney Paige Bryant of BDFTE for Green Tree Servicing LLC, that I would be appearing Ex Parte on Monday, January 5, 2015 to present an Ex Parte Emergency Application for a Temporary Restraining Order.

I certify that the attached Exhibit "A" is a true, correct, and complete copy of that notice.

3. I certify that, on December 30, 2014, I notified Attorney Louise Bowes of BLANK ROME for Bank of America, N.A. as Successor by Merger to BAC Home Loans Servicing, LP Trustee Services, Inc., that I would be appearing Ex Parte on Monday, January 5, 2015 to present an Ex Parte Emergency Application for a Temporary Restraining Order.

I certify that the attached Exhibit "B" is a true, correct, and complete copy of that notice.

4. On or about November 15, 2014, I received Notice of Acceleration signed by Paige Bryant, an attorney employed by Barrett, Daffin, Frappier, Turner & Engel, LLP "BDFTE", purporting to represent Green Tree Servicing, LLC with an unsigned Notice of Substitute Trustee Sale enclosed. I certify that the attached Exhibit "C" is a true, correct, and complete copy of the notice.
5. The Notice of Substitute Trustee Sale states BDFTE will sell my home at 1:00 p.m. on December 2, 2014. However, this sale date was postponed until January 6, 2015 at 1:00 p.m. I certify that the attached Exhibit "D" is a true, correct, and complete copy of the updated Notice of Substitute Trustee Sale.

6. The Notice of Substitute Trustee Sale states BDFTE represents GREEN TREE SERVICING, LLC as Mortgage Servicer, is representing the current mortgagee, whose address is: c/o GREEN TREE SERVICING, LLC, 7360 SOUTH KYRENE ROAD, TEMPE, AZ 85283. I certify that the attached Exhibit "C" is a true, correct, and complete copy of that notice.
7. On or about November 17, 2014, I mailed a notice that I disputed this alleged debt to BDFTE, I certify that the attached Exhibit "E" is a true, correct, and complete copy of that notice.
8. On or about December 04, 2014, I received a letter from BDFTE stating that my debt dispute letter would be forwarded to Green Tree Servicing, LLC and that they would proceed with the scheduled foreclosure. I certify that the attached Exhibit "F" is a true, correct, and complete copy of the letter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 30, 2014

/s/ **Antwan Henry**
Antwan Henry, Plaintiff

EXHIBIT A

Antwan Henry
11939 Canyon Valley Drive
Tomball, TX 77377
email: onpaone@gmail.com

December 30, 2014

Green Tree Servicing, LLC
c/o Paige E. Bryant - Texas Bar Card 24051920
Barrett Daffin Frappier Turner & Engel, L.L.P.
15000 Surveyor Blvd., Suite 100
Addison, TX 75001

VIA FAX: 972-386-7673
PHONE: (972) 341-0501
EMAIL : txhad@bdfgroup.com

SUBJECT: Ex Parte Emergency Application for Temporary Restraining Order
and Order to Show Cause
4:14-cv-02497 Henry v. Bank of America, NA et al
United States District Court of Texas - Houston Division

Dear Ms. Bryant:

The purpose of this letter is to notify you that at 9:00 a.m. on Monday, January 5th, 2015, I will be presenting an Ex Parte Emergency Application for Temporary Restraining Order and Order to Show Cause why a permanent injunction should not issue as to the January 6th, 2015 sale of my home to the Presiding Judge. If you intend to oppose this Application, you should plan on being present.

I attempted to confer with you on December 22nd 2015, via written correspondence and by phone, but have received no response.

Please notify me via email @: onpaone@gmail.com whether you will be opposing this Application, and whether you have cancelled the sale. I can be reached by phone at: 281.995.7735, if you have any questions.

Sincerely,

/s/ Antwan Henry
Antwan Henry

		<h1>Fax</h1>
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To: Paige E. Bryant

From: Antwan Henry

Fax: 1-972-386-7673

Date: December 30, 2014 07:21 PM

Organization: Barrett Daffin Frappier Turner & En

Subject: Ex Parte Emergency Application for Temporary Restraining Order

Subject: SRFax Transmission Successful to Paige E. Bryant - 1 972-386-7673

To: readyforsolutions@live.com

Date: Tue, 30 Dec 2014 16:24:43 -0800

From: fax@srfax.com

Transmission Status: Sent

Subject: Ex Parte Emergency Application for Temporary Restr

Ref. Code:

Sender: 888-253-6796 (readyforsolutions@live.com)

Fax Sent: December 30, 2014 07:22 PM

Recipient Fax: 1 972-386-7673

Remote Fax ID: BBWCDF

of Pages Sent: 2 of 2 (Call Length: 1:18)

Open the attached file to view faxed document.

EXHIBIT B

Antwan Henry
11939 Canyon Valley Drive
Tomball, TX 77377
email: onpaone@gmail.com

December 30, 2014

Bank of America, N.A.
c/o Louise Bowes
Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103-6998

VIA EMAIL: LBowes@BlankRome.com
Direct Line: 215.569.5391 Fax: 215.832.5391

SUBJECT: Ex Parte Emergency Application for Temporary Restraining Order
and Order to Show Cause
4:14-cv-02497 Henry v. Bank of America, NA et al
United States District Court of Texas - Houston Division

Dear Ms. Bowes:

The purpose of this letter is to notify you that at 9:00 a.m. on January 5, 2015, I will be presenting an Ex Parte Emergency Application for Temporary Restraining Order and Order to Show Cause why a permanent injunction should not issue as to the January 6, 2015 sale of my home to the Presiding Judge. If you intend to oppose this Application, you should plan on being present.

I attempted to confer with you on November 21st 2014, via written correspondence and by phone, but have received no response.

Please notify me via email @: onpaone@gmail.com whether you will be opposing this Application, and whether you have cancelled the sale. I can be reached by phone at: 281.995.7735, if you have any questions.

Sincerely,

/s/ Antwan Henry
Antwan Henry